

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

**RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)  
DECLARATION AND POWER OF ATTORNEY**

**FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SOFTWARE AND HARDWARE SYSTEM FOR ENABLING WEIGHT CONTROL**, the specification of which: (mark only one)

- X   (a) is attached hereto.  
      (b) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and  
was amended on \_\_\_\_\_ (if applicable)  
      (c) was filed as PCT International Application No. PCT/ \_\_\_\_\_ on  
\_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable).  
      (d) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
\_\_\_\_\_ and was issued a Notice of Allowance  
on \_\_\_\_\_.  
      (e) was filed on \_\_\_\_\_ and bearing attorney docket number \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this CIP application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

**PRIOR FOREIGN PATENTS**

<u>Number</u>	<u>Country</u>	<u>Month/Day/Y</u> <u>ear Filed</u>	<u>Date first</u> <u>laid-open or</u> <u>Published</u>	<u>Date</u> <u>patented</u> <u>or</u> <u>Granted</u>	<u>Priority</u> <u>Claimed</u> <u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

**PRIOR U.S. OR PCT APPLICATIONS**

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status(pending,</u> <u>abandoned, patented)</u>
60/353,811	February 1, 2002	Pending

**I hereby appoint:**

TIMOTHY G. ACKERMANN, Reg. No. 44,493  
BENJAMIN J. BAI, Reg. No. 43,481  
MICHAEL J. BLANKSTEIN, Reg. No. 37,097  
MARY JO BOLDINGH, Reg. No. 34,713  
MARGARET A. BOULWARE, Reg. No. 28,708  
MATTHEW O. BRADY, Reg. No. 44,554  
DANIEL J. BURNHAM, Reg. No. 39,618  
THOMAS L. CANTRELL, Reg. No. 20,849  
RONALD B. COOLLEY, Reg. No. 27,187  
THOMAS L. CRISMAN, Reg. No. 24,846  
STUART D. DWORK, Reg. No. 31,103  
WILLIAM F. ESSER, Reg. No. 38,053  
ROGER J. FRENCH, Reg. No. 27,786  
JANET M. GARETTO, Reg. No. 42,568  
JOHN C. GATZ, Reg. No. 41,774  
RUSSELL J. GENBT, Reg. No. 42,571

GERALD H. GLANZMAN, Reg. No. 25,035  
STEVEN R. GREENFIELD, Reg. No. 38,166  
JOSHUA A. GRISWOLD, Reg. No. 46,310  
J. PAT HEPTIG, Reg. No. 40,643  
SHARON A. ISRAEL, Reg. No. 41,867  
JOHN R. KIRK JR., Reg. No. 24,477  
PAUL R. KITCH, Reg. No. 38,206  
TIMOTHY M. KOWALSKI, Reg. No. 44,192  
HSIN-WEI LUANG, Reg. No. 44,213  
ROBERT W. MASON, Reg. No. 42,848  
ROGER L. MAXWELL, Reg. No. 31,855  
LISA H. MEYERHOFF, Reg. No. 36,869  
STANLEY R. MOORE, Reg. No. 26,958  
MARK V. MULLER, Reg. No. 37,509  
P. WESTON MUSSELMAN JR. Reg. No. 31,644

DANIEL G. NGUYEN, Reg. No. 42,933  
RUSSELL N. RIPPAMONTI, Reg. No. 39,521  
ROSS T. ROBINSON, Reg. No. 47,031  
STEPHEN G. RUDISILL, Reg. No. 20,087  
HOLLY L. RUDNICK, Reg. No. 43,065  
J.L. JENNIE SALAZAR, Reg. No. 45,065  
JERRY R. SELINGER, Reg. No. 26,582  
GARY B. SOLOMON, Reg. No. 44,347  
STEVE Z. SZCZEPANSKI, Reg. No. 27,957  
ANDRE M. SZUWALSKI, Reg. No. 35,701  
KEITH TABER, Reg. No. 46,114  
ALAN R. THIELE, Reg. No. 30,694  
TAMSEN VALOIR, Reg. No. 41,417  
BRIAN D. WALKER, Reg. No. 37,751  
GERALD T. WELCH, Reg. No. 30,332  
HAROLD N. WELLS, Reg. No. 26,044  
WILLIAM D. WIESE, Reg. No. 45,217

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

all of the firm of JENKENS & GILCHRIST, P.C., 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.


Please address all correspondence and direct all telephone calls to:

Gary B. Solomon  
Jenkins & Gilchrist, P.C.  
3200 Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2799  
214/855-4188 214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT


## NAMED INVENTOR(S)

1	Full Name David Kirchhoff	 Inventor's Signature	1/30/03 Date
	Darien, CT USA Residence (city, state, country)		Citizenship W
	100 HOLLOW TREE KIDLE RD DARIEN, CT 06820 Post Office Address (include zip code)		


PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

2	Full Name Lisa Connelly	<i>Lisa Connelly</i> Inventor's Signature	11/30/03 Date
	New York, NY Residence (city, state, country)	USA Citizenship	
	30 West 63rd Street, Apt 104, NY, NY 10023 Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

3	Full Name Anna Crook	 Inventor's Signature	1/31/03 Date
	135 MAUSFIELD ST, ROZELLE NSW 2039, Australia Residence (city, state, country)		Australian Citizenship
	As above Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

4	Full Name Sheila Kelly	 Inventor's Signature	1/30/03 Date
	NY, NY, USA Residence (city, state, country)	USA Citizenship	
	1 Irving Pl #774 NY, NY 10003 Post Office Address (include zip code)		



PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

5	Full Name Karen Miller-Kovach	<i>Karen Miller-Kovach</i> Inventor's Signature	<i>1/30/03</i> Date
	<i>Centerport, NY, USA</i> Residence (city, state, country)	<i>USA</i> Citizenship	
	<i>232 Fillmore St 11721</i> Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

6	Full Name Amie Perl	<i>Amie N. Perl</i> Inventor's Signature	1/30/03 Date
	Residence (city, state, country) Short Hills, NJ USA Citizenship USA		
	49 FAR BROOK DRIVE SHORT HILLS, NJ 07078		
	Post Office Address (include zip code)		

01/31/2003 FRI 10:13 FAX 516 719

WWI Legal Dept

011

Jan-31-03 11:18am From:CL Concierge GSO  
01/31/2003 00:00 FAX 516 719 719

+338 288 1888

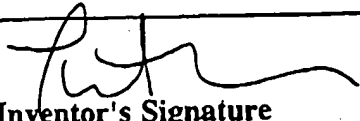
T-667 P.001

F-284

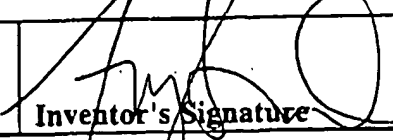
PATENT APPLICATION  
DOCKET NO.: 53514-0000ZUSPT

7	Full Name Palma Posillico	<i>Palma Posillico</i> Inventor's Signature	Date 1/31/03
	1 <sup>st</sup> Colonial Drive, Huntington, NY USA Residence (city, state, country) 11743		USA Citizenship
	same as above Post Office Address (include zip code)		

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

8	Full Name Thilo Semmelbauer	Inventor's Signature 	Date
	Residence (city, state, country)	New York, NY U.S.A.	German Citizenship
	Post Office Address (include zip code)	333 E. 53rd Street NY NY 10022	(US. Permanent Resident

PATENT APPLICATION  
DOCKET NO.: 53514-00002USPT

9	Full Name Amy Sheppard	Inventor's Signature 	Date 1/30/03
	Jersey City, NJ, United States	United States	
	Residence (city, state, country)	Citizenship	
	108 Sussex St. Apt 15, Jersey City, NJ 07302		
	Post Office Address (include zip code)		



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/355,425	01/31/2003	David Kirchhoff	53514-00002USPT

ST. ONGE STEWARD JOHNSTON & REENS LLC  
 986 BEDFORD STREET  
 STAMFORD, CT 06905-5619

RECEIVED  
 St. Onge Steward Johnston & Reens

OCT 14 2003

FILE 3968-PIB  
 DKT A

CONFIRMATION NO. 1399



\*OC000000011009672\*

Date Mailed: 10/09/2003

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/29/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

VERLENE D. GREEN  
 2100 (703) 605-4376

ATTORNEY/APPLICANT COPY

IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Docket No. 03968-P0001BWO WWW/TMO

International Application No.	PCT/US03/02963
International Filing Date	31 January 2003
Priority Date Claimed	1 February 2002
Title of Application:	Software And Hardware System For Enabling Weight Control
Applicants	WeightWatchers.com, Inc.; Weight Watchers International, Inc.

Mail Stop PCT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

*Appointment of Representative  
for International Application Under PCT Rule 90.4*

The undersigned Applicant hereby appoints:


Wesley W. Whitmyer, Jr.; Registration No. 33,558  
**ST.ONGE STEWARD JOHNSTON & REENS LLC**  
986 Bedford Street; Stamford, CT 06905-5619  
203 324-6155 Telephone 203 327-1096 Facsimile

to act on its behalf before the competent International Authorities in connection with this international application and to make and receive payments on its behalf.

The undersigned Applicant submits that he/she is authorized to sign on behalf of and represent the assignee of record "WeightWatchers.com, Inc."

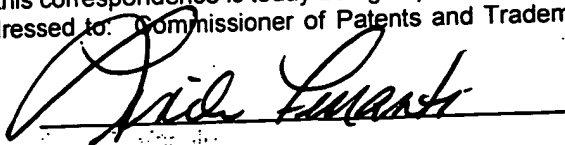
Dated at New York, NY, in the United States of America, on September 8, 2003.

**WeightWatchers.com, Inc.**

By   
Name JEFFREY A. FIARMAN  
Title SVP AND GENERAL COUNSEL

**Mailing Certificate:** I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner of Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

9/25, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	David Kirchhoff, et al.
Serial No. 10/355,425	Filing Date: January 31, 2003
Title of Application:	Software And Hardware System For Enabling Weight Control
Confirmation No. 1399	Group Art Unit: 2173

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Revocation and New Power Of Attorney**

Dear Sir:

Applicants, WeightWatchers.com, Inc., a Delaware corporation having its principal place of business at 888 Seventh Avenue, Fl. 8; New York, NY 10106, hereby revokes all previous powers of attorney and appoints the following attorneys to prosecute this patent application and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicants  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

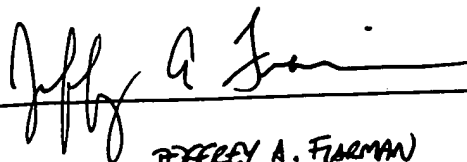
To the best of my knowledge, WeightWatchers.com, Inc. is the assignee of record of the patent application identified above.

WeightWatchers.com, Inc.

Date

9/8/03

By



Name

JEFFREY A. FARMAN

Title

SVP AND GENERAL COUNSEL



## IN THE UNITED STATES RECEIVING OFFICE (RO/US)

Docket No. 03968-P0001BWO WWW/TMO

International Application No.	PCT/US03/02963
International Filing Date	31 January 2003
Priority Date Claimed	1 February 2002
Title of Application:	Software And Hardware System For Enabling Weight Control
Applicants	WeightWatchers.com, Inc.; Weight Watchers International, Inc.

Mail Stop PCT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

*Appointment of Representative  
for International Application Under PCT Rule 90.4*

The undersigned Applicant hereby appoints:

Wesley W. Whitmyer, Jr.; Registration No. 33,558  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
386 Bedford Street; Stamford, CT 06905-5819  
203 324-6155 Telephone 203 327-1096 Facsimile

to act on its behalf before the competent International Authorities in connection with this international application and to make and receive payments on its behalf.

The undersigned Applicant submits that he/she is authorized to sign on behalf of and represent the assignee of record "Weight Watchers International, Inc."

Dated at New York, NY, in the United States of America, on September 18, 2003.

Weight Watchers International, Inc.

By

Name

Title

Robert W. Hollweg

Robert W. Hollweg

VP and Secretary

**Mailing Certificate:** I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner of Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

9/25 2003

Guido Lemanski

PATENT  
03968-P0001B WWW/TMO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	David Kirchhoff, et al.
Serial No. 10/355,425	Filing Date: January 31, 2003
Title of Application:	Software And Hardware System For Enabling Weight Control
Confirmation No. 1399	Group Art Unit: 2173

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Revocation and New Power Of Attorney**

Dear Sir:

Applicant, Weight Watchers International, Inc., a Virginia corporation having its principal place of business at 175 Crossways Park West, Woodbury, NY 11797, hereby revokes all previous powers of attorney and appoints the following attorneys to prosecute this patent application and transact all business in the United States Patent and Trademark Office connected therewith, receive all communications from the United States Patent and Trademark Office, to receive the Letters Patent, and be its agent for service of process in connection herewith:

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicants  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

To the best of my knowledge, Weight Watchers International, Inc. is the assignee of record of the patent application identified above.

Weight Watchers International, Inc.

Date 9/18/03

By

Name

Title

Robert W. Hollweg  
Robert W. Hollweg  
VP and Secretary